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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,677	12/31/2003	Daisuke Baba	VERC-003	1988
22903 7590 08/20/2007 COOLEY GODWARD KRONISH LLP ATTN: PATENT GROUP Suite 500 1200 - 19th Street, NW WASHINGTON, DC 20036-2402			EXAMINER SAINT CYR, LEONARD	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 08/20/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/748,677	Applicant(s) BABA ET AL.	
	Examiner Leonard Saint-Cyr	Art Unit 2626	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 24, 26 – 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Donahue (US PAP 2002/0004907).

As per claims 1, and 26, Donahue teaches a method for linguistic analysis comprising:

receiving a user selection from a list of pre-defined categories; preparing data (paragraph 7, lines 1 – 5);

scoring the data based on the user-selected category to produce a tally, preparing the data including ("each category is assigned a numeric value"; paragraph 17, lines 5 – 8):

collecting the data from at least one of a data stream, a file system, and a database; and partitioning the data ("the file is considered a match for that category"; paragraph 17, lines 8 – 11).

As per claim 2, Donahue further discloses receiving a custom category definition from the user, scoring the data further based on the custom category definition (paragraph 20).

As per claim 3, Donahue further discloses the custom category is dependent upon the user-selected category ("categories are pre-defined"; paragraphs 20, and 21; paragraph 7, lines 1 - 3).

As per claim 4, Donahue further discloses determining whether the user-selected category is a hit based on the tally; and performing at least one predetermined action where it is determined that the user-selected category is a hit ("sum weighted values exceeds a threshold value, the communication is stored for subsequent review by an authorized user"; paragraph 19, lines 1 – 3; Abstract, lines 7 – 11).

As per claim 5, Donahue further discloses determining is based on at least one of threshold scoring and Boolean logic scoring (Abstract, lines 7 – 11).

As per claim 6, Donahue further discloses that the predetermined action is at least one of blocking access, alerting an administrator, and logging data ("the communication is stored"; Abstract, lines 7 – 11).

As per claims 7, and 27, Donahue teaches a method for linguistic analysis comprising defining complex aggregate behavior with a plurality of triggers in a hierarchical relationship ("each category is assigned a numeric value, and each regular expression within a category is assigned a numeric value"; paragraph 17, lines 5 – 8).

As per claim 8, Donahue further discloses defining complex aggregate behavior includes associating a score with each of the plurality of triggers ("each regular expression within a category is assigned a numeric value"; paragraph 17, lines 5 – 8).

As per claim 9, Donahue further discloses defining complex aggregate behavior further includes applying at least one of an addition operator, a subtraction operator, a multiplication operator and a division operator to the score associated with at least one of the plurality of triggers ("sum of all values associated"; paragraph 17, lines 8 – 11).

As per claim 10, Donahue further discloses defining complex aggregate behavior further includes applying a negation operator to the score of at least one of the plurality of triggers ("negative value"; paragraph 19, lines 1 – 3).

As per claim 11, Donahue further discloses defining complex aggregate behavior includes associating a pattern tuple with at least one of the plurality of triggers ("comparing the log data with known protocol patterns"; paragraph 13, lines 6 – 9).

As per claim 12, Donahue further discloses simplifying the complex aggregate behavior by combining two or more triggers having the same associated pattern tuple ("sum of all values associated with each matching key phrase"; paragraph 17, lines 8 – 11).

As per claim 13, Donahue further discloses defining complex aggregate behavior includes associating a list of pre-requisite triggers, scores for each of the pre-requisite triggers, and negation status with at least one of the plurality of triggers ("negative values"; paragraph 17, lines 5 – 8; paragraph 19, lines 1 – 3).

As per claim 14, Donahue further discloses simplifying the complex aggregate behavior by combining two or more triggers having the same associated list of pre-requisite triggers, scores for each of the pre-requisite triggers, and negation status (paragraph 17, lines 5 – 8; paragraph 19, lines 1 – 3; paragraph 25).

As per claim 15, Donahue further discloses defining complex aggregate behavior includes associating at least one of a plurality of actions with at least one of the plurality of triggers ("acquisition category"; paragraph 21).

As per claim 16, Donahue further discloses simplifying the complex aggregate behavior by not resolving any of the plurality of triggers that are not associated with at

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least one of the plurality of actions (paragraph 25 shows an example of a complex aggregate behavior simplification; paragraph 25).

As per claims 17, and 28, Donahue teaches a method for linguistic analysis comprising:

receiving data; setting a tally for a containing trigger equal to zero; ordering a plurality of pre-requisite triggers based on decreasing absolute value of a score associated with each of the plurality of pre-requisite triggers (paragraph 21 shows an order of decreasing value; paragraphs 21, and 22); and

selecting one of the plurality of pre-requisite triggers based on the order ("resume (attached/enclosed)" will be searched first"; paragraph 21, lines 6 – 10).

As per claim 18, Donahue further discloses determining whether the selected one of the plurality of triggers is a hit ("match"; paragraph 25, line 4);

if the selected one of the plurality of triggers is a hit, updating the tally by adding to the tally the score associated with the selected one of the plurality of triggers ("sum being set to -4"; paragraph 25, line 5) ;

determining whether the updated tally less the sum of absolute values of scores associated with each unresolved trigger within the plurality of pre-requisite triggers is greater than a predetermined threshold ("sum is not greater than or equal to 4"; paragraph 25, lines 5 -7);

and if the updated tally less the sum of absolute values of scores associated with each unresolved trigger within the plurality of pre-requisite triggers is greater than the predetermined threshold, resolving the containing trigger as a hit ("sum is greater than or equal to 4, the log is saved"; paragraph 27, lines 9 – 12).

As per claim 19, Donahue further discloses that if the updated tally less the sum of absolute values of scores associated with each unresolved trigger within the plurality of pre-requisite triggers is not greater than the predetermined threshold, determining whether each of the pre-requisite triggers have been selected ("the text is not considered a match for this category and the log is deleted"; paragraph 25, lines 20, and 21); and

if each of the pre-requisite triggers have been selected, resolving the containing trigger as a non-hit ("false hit"; paragraph 19, lines 15 – 17).

As per claim 20, Donahue teaches defining a category having a first pre-requisite trigger and a second pre-requisite trigger; receiving a first data set ("acquisition category, the regular expression "resume (attached/enclosed)"; paragraph 21, lines 6 – 10);

determining whether the first pre-requisite trigger is a hit based on the first data set ("match"; paragraph 25, line 4);



if the first pre-requisite trigger is a hit, determining whether a score of the first pre-requisite trigger is greater than zero (“sum is not greater than or equal to 4”; paragraph 25, lines 5 -7);

if the score of the first pre-requisite trigger is greater than zero, determining whether the second pre-requisite trigger is a hit based on the first data set (“the sum is greater than or equal to 4”; paragraph 27, lines 8 – 12);

if the second pre-requisite trigger is a hit, determining whether a score of the second pre-requisite trigger is greater than zero (“sum is not greater than or equal to 4”; paragraph 25, lines 5 -7); and

if the score of the second pre-requisite trigger is greater than zero, resolving the category as a hit with respect to the first data set (“the log is saved and the search is finish for this category”; paragraph 27, lines 8 – 12).

As per claim 21, Donahue further discloses that if the first pre-requisite trigger is a hit, increasing an Avoid Evaluation Of This Trigger (AEOTT) rating associated with the first pre-requisite trigger (“a regular expression can be assigned a positive or negative value ... facilitates avoidance”; paragraph 19, lines 1 – 3).

As per claim 22, Donahue further discloses receiving a second data set; determining whether the second pre-requisite trigger is a hit based on the second data set (“match”; paragraph 25, line 4);

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if the second pre-requisite trigger is a hit, determining whether a score of the second pre-requisite trigger is greater than zero (“sum is not greater than or equal to 4”; paragraph 25, lines 5 -7);

if the score of the second pre-requisite trigger is greater than zero, determining whether the first pre-requisite trigger is a hit based on the second data set (“the sum is greater than or equal to 4”; paragraph 27, lines 4 – 12);

if the first pre-requisite trigger is a hit, determining whether a score of the first pre-requisite trigger is greater than zero; and if the score of the first pre-requisite trigger is greater than zero, resolving the category as a hit with respect to the second data set (“the log is saved and the search is finished for this category”; paragraph 27).

As per claim 23, Donahue teaches a method for linguistic analysis comprising:

defining a category having a first pre-requisite trigger and a second pre-requisite trigger; receiving a first data set (“acquisition category, the regular expression “resume (attached/enclosed)”; paragraph 21, lines 6 – 10);

determining whether the first pre-requisite trigger is a hit based on the first data set (“match”; paragraph 25, line 4);

if the first pre-requisite trigger is a hit, determining whether a score of the first pre-requisite trigger is greater than zero; if the score of the first pre-requisite trigger is greater than zero, resolving the category as a hit with respect to the first data set (“because sum is greater than or equal to 4, the log is saved and the search is finished for this category”; paragraph 27, lines 9 – 12)

if the first pre-requisite trigger is not a hit, determining whether the second pre-requisite trigger is a hit based on the first data set; if the second pre-requisite trigger is a hit, determining whether a score of the second pre-requisite trigger is greater than zero; and if the score of the second pre-requisite trigger is greater than zero, resolving the category as a hit with respect to the first data set ("because sum is greater than or equal to 4, the log is saved and the search is finished for this category"; paragraph 27).

As per claim 24, Donahue further discloses that if the first pre-requisite trigger is a hit, decreasing an Avoid Evaluation Of This Trigger (AEOTT) rating associated with the first pre-requisite trigger ("a regular expression can be assigned a positive or negative value ... facilitates avoidance"; paragraph 19, lines 1 – 3).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 25, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donahue (US PAP 2002/0004907).

As per claims 25, and 29, Donahue teaches initializing a Avoid Evaluation Of This Trigger (AEOTT) rating for a pre-requisite trigger; resolving the pre-requisite trigger

based on a first data set (" the log is saved and the search is finish for this category"; paragraph 27).

Donahue does not specifically teach determining whether resolving the pre-requisite trigger caused an early exit; if resolving the pre-requisite trigger caused an early exit, decreasing the AEOTT rating; and if resolving the pre-requisite trigger did not cause an early exit, increasing the AEOTT rating. However, since Donahue teaches that within each category, a regular expression can be assigned a positive or negative value (paragraph 19, lines 1, and 2). One having ordinary skill in the art at the time the invention was made would have found it obvious to determine whether or not the resolving is an early exit in the method of Donahue, because that would facilitate avoidance of "false hits", or undesired matches (paragraph 19, lines 2, and 3).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cragun et al., (US Patent 5,832,212) teach censoring browser method and apparatus for Internet viewing.

Trcka et al., (US Patent 6,453,345) teach a network security and surveillance system.

Fellentein et al., (US Patent 7,032,007) teach an apparatus and method for monitoring instant messaging accounts.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard Saint-Cyr whose telephone number is (571) 272-4247. The examiner can normally be reached on Mon- Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

08/09/07

  
RICHEMOND DORVIL  
SUPERVISORY PATENT EXAMINER